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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,198	03/13/2001	Rikuro Obara	2523-061	9185

7590 10/03/2003

ISRAEL GOPSTEIN, Esq.
14301 Layhill Rd., Suite 200C
P.O. Box 9303
Silver Spring, MD 20916-9303

EXAMINER

BELENA, JOHN F

ART UNIT PAPER NUMBER

3746

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,198

Applicant(s)

OBARA, RIKURO

Examiner

John F. Belena, Ph.D.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,5,9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. This Office Action addresses **applicant's amended claims 1-8 & 10 and original claim 9** as presented in applicant's amendment dated 08/28/03 paper No. 12.

ALLOWABLE SUBJECT MATTER

2. **Claims 2, 4, 5, 9, 10** are allowed.
3. The indicated allowability of **claims 1, 3, 6, 7 & 8** is withdrawn in view of the newly discovered reference(s)

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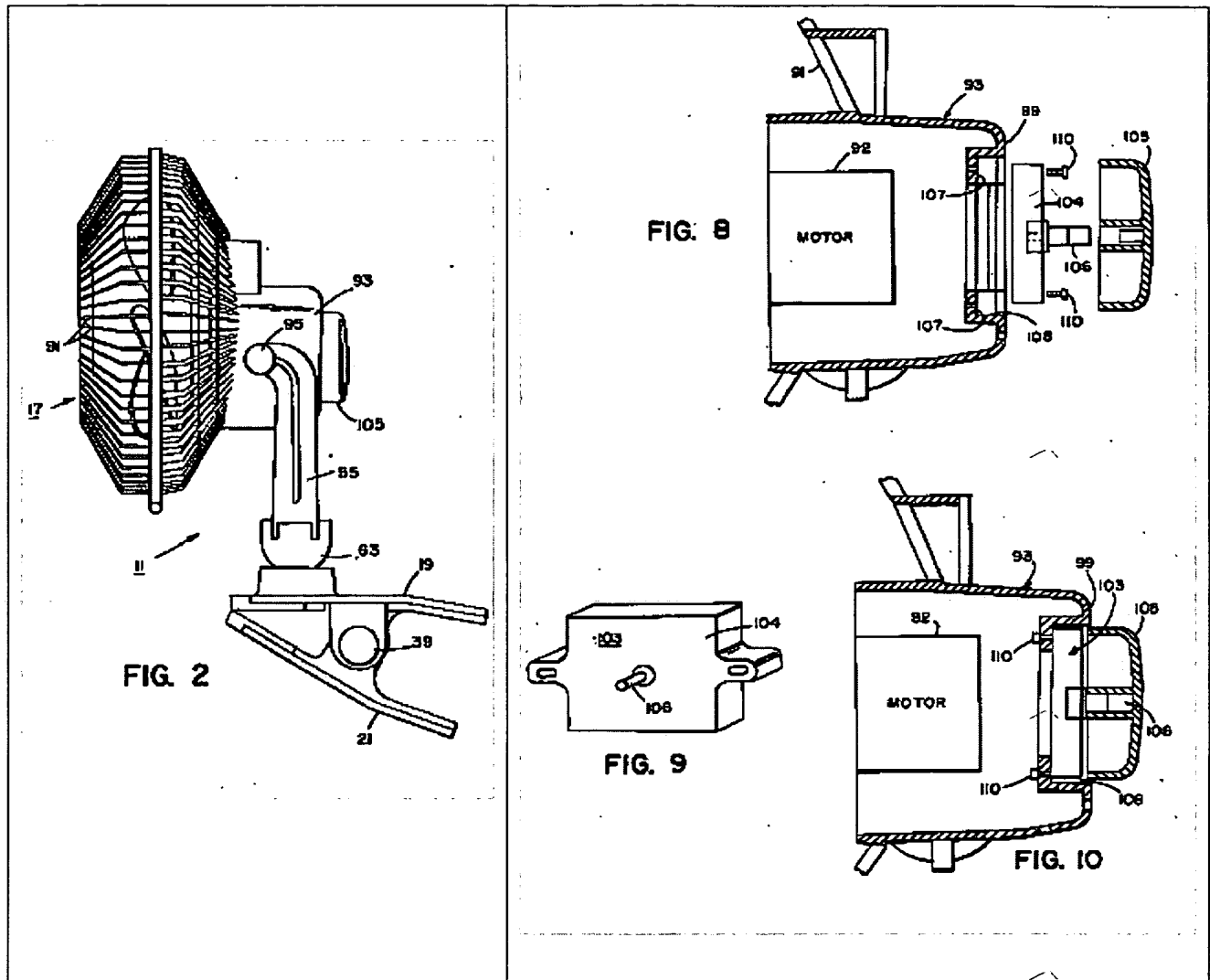
(5,613,833) to Wolfe et al. & (4,799,858) to Shin-Chin. Rejections based on the newly cited reference(s) follow.

CLAIM REJECTIONS - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

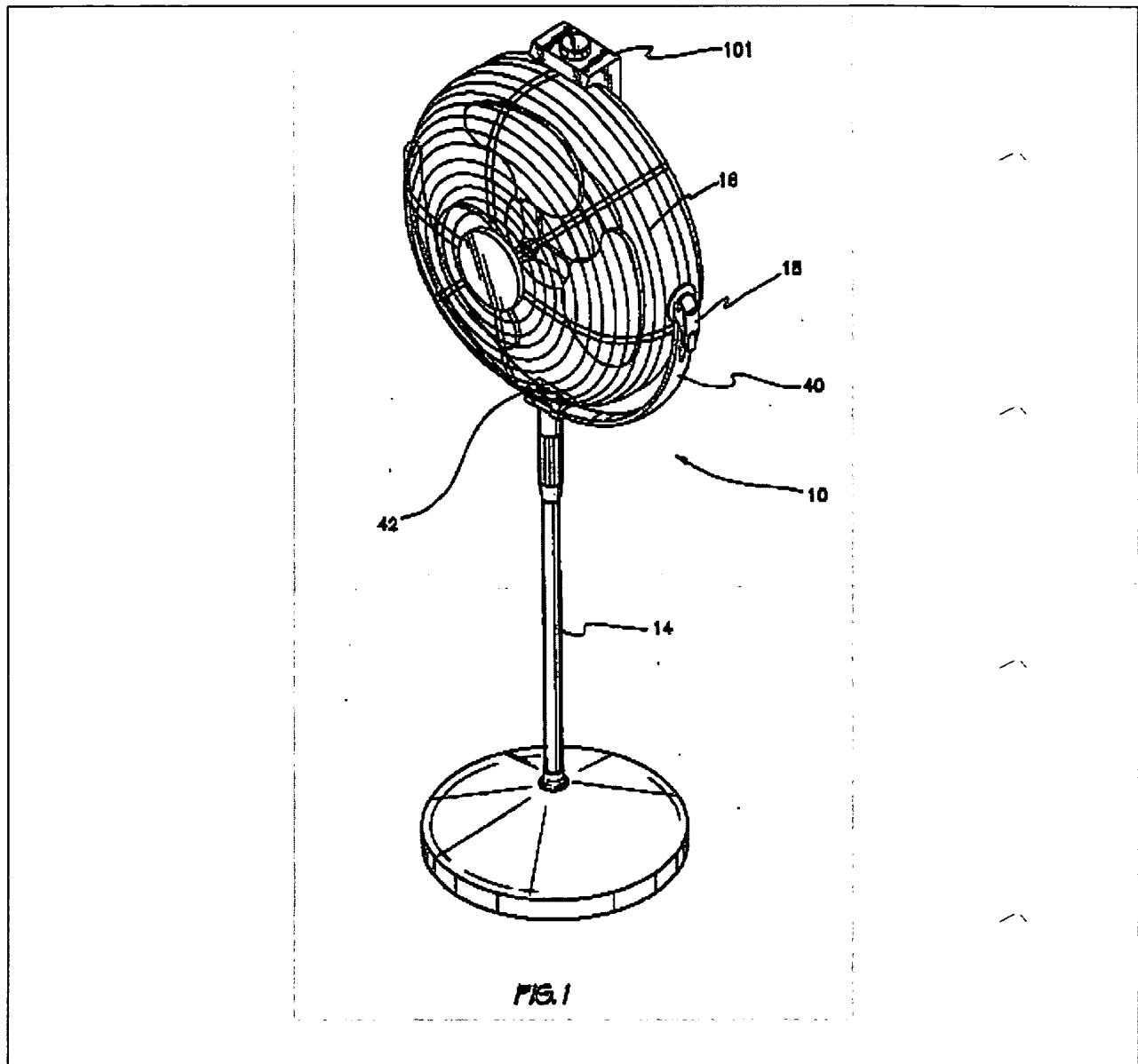
5. **Claims 1, 3, 6, 7 & 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over (4,799,858) to Shin-Chin in view of (5,613,833) to Wolfe et al.



Shin-Chin, Figures 2 & 8-10 as displayed above disclose according to applicant's claims 1, 3, 6, 7 & 8, a blower (17) having an impeller (89) rotated by means of a motor (92), comprising: a base (93) for supporting the motor (92) in a frame (17), the base

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9/16/03 (93) provided at a central portion of the frame ¹⁷(93), a chamber {inside (93) and where (103) is located} with a front and back portions {(99), (105)} formed in the base (93), wherein the chamber is formed by the base (93) having a flange (99) extending to from the back portion from an outer periphery thereof forming a cylindrical body with a closed end for accommodating electrical components (103), and wherein the back portion of the chamber is at a downwind side and is occluded and sealed by a removable cover (105). See Shin-Chin, Figures 1-10 and respective portions, abstract, col. 4 lines 6-22 of the detailed description.

Shin-Chin does not disclose the base (93) supported {directly} at the central portion of the frame by stays (91).



Wolfe et al., Figure 1 as immediately displayed above discloses a fan (10) where the motor base (2) is supported by stays (16) via u-

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frame (40). See Wolfe et al., Figures 1 & 2 and respective portions, abstract, col. 2 lines 64-67 & col. 3 lines 1-18 of the detailed description.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to take the fan blower of Shin-Chin and modify it according to Wolfe et. al so as to support the fan in an alternative fashion for esthetic purposes.

****The claims were examined with the broadest reasonable interpretation of the claimed structural/functional subject matter. A proper and acceptable response to this office action requires addressing all issues/objections/rejections invoked in this office action.****

CLAIM REJECTIONS - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 3, 6, 7 & 8** rejected under 35 U.S.C. 102(b) as being (4,799,858) to Shin-Chin.

Shin-Chin, Figures 2 & 8-10 as displayed above disclose according to applicant's claims 1, 3, 6, 7 & 8, a blower (17) having an impeller (89) rotated by means of a motor (92), comprising: a base (93) for supporting the motor (92) in a frame (17), the base (93) provided at a central portion of the frame (17), the base (93) supported {concentrically} at the central portion of the frame by stays (91), a chamber {inside (93) and where (103) is located} with

a front and back portions {(99), (105)} formed in the base (93), wherein the chamber is formed by the base (93) having a flange (99) extending to from the back portion from an outer periphery thereof forming a cylindrical body with a closed end for accommodating electrical components (103), and wherein the back portion of the chamber is at a downwind side and is occluded and sealed by a removable cover (105). See Shin-Chin, Figures 1-10 and respective portions, abstract, col. 4 lines 6-22 of the detailed description.

RESPONSE TO ARGUMENTS

8. In applicant's amendment dated 08/28/03 the applicant argues that "relevant papers provided by the USPTO (in this application) [do not] include any identification as "paper no." ". .

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Please note that in Non-Final Rejection and Allowance Office Actions mailed by the USPTO the Office Action Summary PTO-326 form or the Notice of Allowability PTO-37 form contain the Office Action paper No. located at the *bottom right-hand side* of the forms under "*Part of Paper No.* ". Applicant's arguments with respect to claims 1, 3, 6, 7 & 8 have been considered but are moot in view of the new ground(s) of rejection.

CONCLUSION

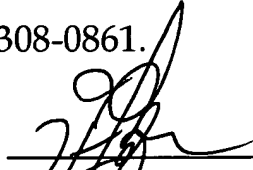
9. Any inquiry concerning this communication from the examiner should be directed to **John F. Belena, Ph.D.** whose telephone number is (703) 305-3533. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor,**

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Timothy S. Thorpe, can be reached on (703) 308-0102. The fax number for this Group Art Unit 3746 is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Art Unit 3746 receptionist whose telephone number is (703)

308-0861.



John F. Belena, Ph.D.
Group Art Unit 3746


JUSTINE R. YU
PRIMARY EXAMINER

9/25/03

